

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,
Plaintiff,

v.

CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III

J.F. ALLEN COMPANY;
AMEC FOSTER WHEELER
ENVIRONMENT & INFRASTRUCTURE, INC.; and
REDSTONE INTERNATIONAL, INC.;
Defendants¹,

BENCH TRIAL ORDER
DAY TWO: SEPTEMBER 22, 2020

1. On the 22nd day of September, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Natalie Lien. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and William Fitts, and by its Lead Engineer, Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court then inquired as to whether counsel had any objections to the Day Order from yesterday. Counsel had no objections and the Court entered the Order.

3. Thereafter, Mr. Rowlands was re-called to the stand and subject to direct-examination. After Plaintiff concluded its direct-examination, counsel discussed when to move

¹ The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

for admission of exhibits, and counsel agreed to either move for admission of exhibits during the witness's testimony or move for admission of exhibits at the conclusion of the party's case-in-chief.

4. After the direct-examination of Mr. Rowlands, the Court took a brief break.

5. Following the break, Mr. Rowlands was subject to cross-examination by Mr. LaSota. During the cross-examination of Mr. Rowlands, the Court recessed for a lunch break.

6. After the lunch break, the cross-examination of Mr. Rowlands by Mr. LaSota resumed.

7. During the cross-examination of Mr. Rowlands, the Court took a brief break. Following the break, the testimony of Mr. Rowlands resumed. During the testimony, a question arose about a compensation agreement regarding Mr. Rowlands, and Mr. Colosimo agreed to provide the agreement to all counsel.

8. At 4:21 p.m. the proceedings adjourned for the day.

It is **ORDERED**:

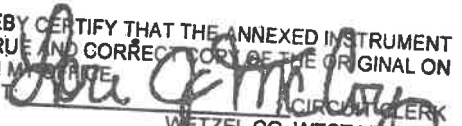
❖ The Circuit Clerk shall send this Order to all counsel of record.

❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 23 day of September, 2020.



H. CHARLES CARL, III, JUDGE
BUSINESS COURT DIVISION

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT
IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON
FILE IN MY OFFICE
ATTEST 
BY: _____ DEPUTY CLERK
WETZEL CO. WEST VIRGINIA